

**VIRGINIA:**

**IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE**

<b>COMMONWEALTH OF VIRGINIA</b>	)	<b>CASE NOS. CR03-3089, CR03-3090, CR03-3091</b>
<b>VERSUS</b>	)	
<b>LEE BOYD MALVO a/k/a</b>	)	<b>INDICTMENT - CAPITAL MURDER (2</b>
<b>John Lee Malvo</b>	)	<b>Counts) and USING A FIREARM IN THE</b>
		<b>COMMISSION OF A FELONY</b>

**JURY TRIAL – Day 4**

On November 13, 2003, Robert F. Horan, Jr., the Commonwealth's Attorney, Raymond Morrogh, the Deputy Commonwealth's Attorney, LEE BOYD MALVO a/k/a John Lee Malvo, the Defendant, and Michael Arif and Craig Cooley, co-counsel for the Defendant, appeared before this Court. The Defendant is indicted for the felonies of CAPITAL MURDER (2 Counts) and USING A FIREARM IN THE COMMISSION OF A FELONY and he appeared while in custody.

The jury heard opening statements of the Commonwealth's Attorney and on behalf of the Defendant.

The Court, after consulting with the parties, determined that the Commonwealth's evidence could not be presented today. The Court admonished the jurors as to their behavior during the recess and continued this case to November 17, 2003, at 10:00 a.m.

The Defendant was remanded to the custody of the Sheriff.

Entered on November 13, 2003.

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JANE MARUM ROUSH  
JUDGE DESIGNATE